



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2304401

Applicant Name: David Chenoweth

Address of Proposal: 1240 3rd Ave N

SUMMARY OF PROPOSED ACTION

A Master Use Permit to subdivide one parcel into three (3) lots (unit lot subdivision). Proposed lot sizes are: A) 4,094.8 square feet; B) 2,622.9 square feet, and C) 1910.5 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Related projects: establish use as and construct two single family structures and occupy per plans, and Change use of the existing duplex to a single family use all under MUP No. 2203131 Permit No. 732727 and MUP No. 2304065 respectively.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into four lots as a unit subdivision.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION:

☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

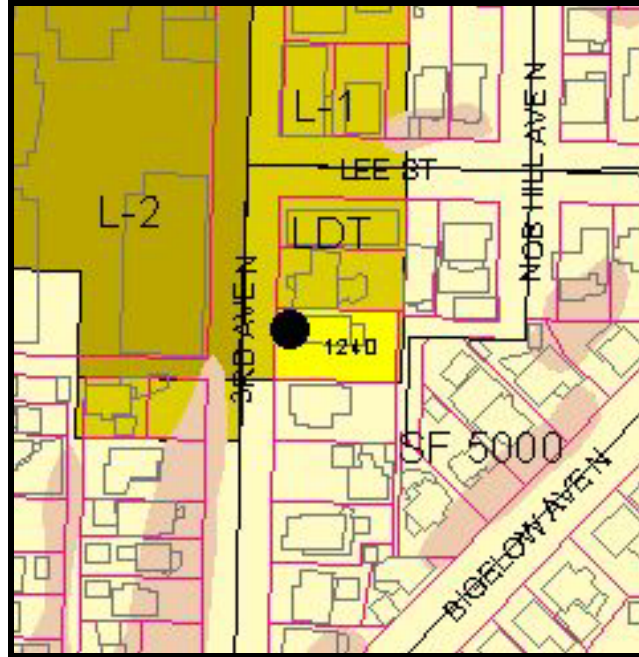
☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The approximately 7,200 square foot property is located between 3rd Ave N and Nob Hill Ave N in the lower Queen Anne area of Seattle. Access to the site is via 3rd Ave N, which is paved and improved with concrete curbs, gutters, a planting strip and sidewalks on both sides of the street. Vehicle access is provided via 3rd Ave N and Nob Hill Ave N. In this case, Nob Hill Ave N can be viewed as an alley, as it provides only secondary access to the lots it abuts and meets the criteria of SMC 23.40.030. Two of the three single-family structures have been reviewed for applicable code compliance, all under MUP No. 2203131 Permit No. 732727. The change of use from duplex to single family for the existing structure on the property is currently being reviewed under MUP No.



2304065. The parcel is not located in any identified or designated Environmentally Critical Area.

The subject lot is zoned Multi-family Lowrise Duplex/Triplex (LDT). In the immediate vicinity to the north and northwest, surrounding lots are zoned Multi-family LDT and Lowrise 1 and 2 (L-2 and L-3). To the south and east, single family (SF-5000) zoning is prevalent. Development in the immediate vicinity consists of one and two-story single-family dwelling units to the south and east and small scale multi-family structures in the immediate vicinity to the north, which are all consistent with the Land Use Code. Also, directly northwest of the subject site is a large scale apartment complex, “The Queen Anne,” which is a designated historic landmark.

Proposal

The proposal is to subdivide one parcel into three (3) unit subdivision lots with vehicle access provided from 3rd Ave N and Nob Hill Ave N, which abut the westerly and easterly property lines of the site respectively. Direct vehicle access to the southwesterly located single family dwelling unit will be via one (1) ten (10') foot curb cut which accesses the garage of the single-family dwelling unit. Vehicle access to the northerly structure and southeasterly single family structure will be via Nob Hill Ave N, which is considered an alley in this situation as detailed in the site description. The two (2) new single family structures have been reviewed for applicable code compliance under MUP No. 2203131 Permit No. 732727. The change of use for the existing duplex structure to single family is currently being reviewed under MUP No. 2304065. Each single family unit will have parking within the structure. The northerly single-family structure on the site will have tandem parking, with one space within the structure and one as an

outdoor parking pad to the rear of the lot. Proposed lot sizes are as indicated in the summary above. Lots A and B have direct pedestrian access to 3rd Ave N. Lot C will have pedestrian access to 3rd Ave N via a pedestrian access and utility easement.

Public Comments

The comment period for this proposal ended on August 8th 2003. During the public comment period, DCLU received three written comments. The comments expressed concern over the visual impact of the two new single family structures, the comment period's timing and notice, as the construction of the structures was under way when notice of the subdivision was posted. Further comments were related to concerns about lot coverage, parking, the allowance of unit lot subdivisions, Queen Anne's neighborhood character, and lastly the preservation of views and natural light. A neighborhood group gathered forty-one (41) signatures of surrounding property owners, stating their protest of the subdivision.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing tree;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned for multi-family Lowrise Duplex/Triplex residential use. The allowable density of the subject property is one unit per two (2,000) thousand square feet of lot area. Given a lot area of approximately 7,200 square feet, four (4) units are allowed and three (3) are proposed. Maximum lot coverage is thirty-five (35%) percent.

Front setbacks are an average of the setbacks of the first principal structures on either side, the maximum required setback is twenty (20') feet and the minimum is five (5') feet. The minimum side setback is five (5') feet; the actual required setback is based on the height of the facade adjacent to the side property line. In this case, the south side setbacks are required to be a five (5') foot minimum and a six (6') foot average requirement. Rear setback is twenty (20') feet or twenty (20) percent of the lot depth, in no case less than fifteen (15') feet, in this case it is twenty (20') feet measured from centerline of the Nob Hill Ave N, which in this case is considered an alley per SMC 23.40.030. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement (#250430-2-025) to provide for electrical facilities and service to the proposed lots in addition to the utility easement identified on the proposed short plat, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on July 7th, 2003. There is an eight (8") inch standard water main located in 3rd Ave N which serves the site. There is an eight-inch (8") public combined sewer (PSS) located in 3rd Ave N. Stormwater runoff discharge from new construction shall be to the PS in 3rd Ave N. Detention with controlled release will be required. The utility easement included in the short plat proposal is adequate for this purpose. Plan review requirements were made at time of building permit application in accordance with any applicable stormwater ordinances in effect at that time.

3. The proposed short subdivision is consistent with and will meet all minimum Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.
4. This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
5. There were four (4) trees on site as evidenced by the required survey submitted at the time of this application. SMC 23.45.015 (C.1.b) requires that all new multifamily dwelling units plant or preserve on site trees. The lot size of the proposal requires that at least fourteen caliper (14") inches (total) of trees be planted on site. The tree requirement was reviewed under MUP No. 2203131 Permit No. 732727.

6. The applicant proposes the construction of single family dwellings on the subject site. Pursuant to SMC 23.24.045(A&B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to nonconformities, the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Policies and Code Provisions has been reviewed under MUP No. 2203131 Permit No. 732727 and MUP No. 2304065. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity of proposed Lots A, B, and C are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas, driveway and pedestrian access if necessary. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for unit lot subdivisions.

Summary

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements for the Lowrise Duplex/Triplex (LDT) zone, including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole does meet all standards set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED.**

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements; fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (aka Exhibit A) on the final Short Subdivision (#250430-2-025).
4. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements, if necessary.
6. Provide an area to allow for the posting of address signage for unit lot C at a location visible from 3rd Ave N and provide a covenant and/or an easement to ensure that address signage can be maintained.

Signature: (signature on file) Date: September 8, 2003
Lucas DeHerrera, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services